

REMARKS/ARGUMENTS

Claims 1-46 are pending. All of claims 1-46 have been rejected. No claim amendments have been made in this response.

I. Rejections based on 35 U.S.C. § 103

Claims 1-46 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,235,471 ("Knapp"). Applicant respectfully traverses this rejection because 35 U.S.C. § 103(c) disqualifies Knapp from being used as prior art for an obviousness rejection. MPEP §§ 706.02(k); 2146. All of the requirements for the application of 35 U.S.C. § 103(c) to the pending application are met: 35 U.S.C. § 103(c) applies to applications filed on or after November 29, 1999, and the pending application was filed on December 10, 2001; Knapp only qualifies as prior art under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102 since Knapp issued on May 22, 2001, while the priority date for the pending application is December 11, 2000; and both the subject matter claimed in the pending application and Knapp were, at the time the invention claimed in the pending application was made, owned by the same person or subject to an obligation of assignment to the same person (Caliper Technologies). Therefore the obviousness rejection of claims 1-46 based on Knapp is moot.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned attorney.

Respectfully submitted,



Donald R. McKenna
Reg. No. 44,922

CALIPER LIFE SCIENCES, INC.
605 Fairchild Drive
Mountain View, CA 94043
Direct: 650-623-0737
Fax: 650-623-0504
donald.mckenna@caliperls.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 16, 2004 by Michael Moores.

Signed: _____

